

REMARKS

Claims 1-12 and 14-18, as amended, and new claims 20-21 are pending in this application. In this Response, Applicants have amended certain claims in accordance with 37 C.F.R. § 1.173. In particular, independent claims 1, 15, and 18 have been amended to further clarify the present invention. Additionally, claim 19 has been canceled. Finally, claims 20-21 have been added to recite additional embodiments of the invention. As no new matter has been added, Applicants respectfully request entry of the amendment at this time.

PREVIOUS REQUEST FOR WITHDRAWAL OF FINALITY

Applicants respectfully submit that the Examiner neglected to address the previous request for withdrawal of finality of the office action based on the Examiner's failure to provide grounds for rejection of previously presented claim 18. In particular, the Examiner did not refute any of the arguments provided in Applicant's previous response filed on February 22, 2008 or reiterate the previous rejections in the Final Office Action mailed May 16, 2008. As such, Applicants respectfully request the Examiner to specifically address whether claim 18 is rejected or in condition for allowance in the next communication.

THE REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1-12, 14, and 19 were rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 5,783,293 to Lammi ("Lammi") in view of U.S. Patent No. 5,823,890 to Maruko *et al.* ("Maruko"). Claims 15-17 were also rejected under 35 U.S.C. § 103(a) as being anticipated by Lammi in view of Maruko, for the reasons stated in the previous action. None of the cited references disclose or suggest the present invention for at least the reasons that follow.

Lammi generally discloses an injection molding process for forming a multi-layer golf ball cover. *See, e.g.*, Col. 3, lines 9-11. However, as the Examiner admits, Lammi fails to disclose or even contemplate layers of different colors. Office Action at Page 2. In an effort to remedy the deficiencies of Lammi, the Examiner cites Maruko. Maruko

fails to cure the lack of teaching or suggestion in Lammi regarding a multi-color cover layer.

As a threshold matter, the Examiner states that “Maruko et al teaches a golf ball (col. 1, lns 38-42); and a *multi-color cover layer*, wherein the layers have different colors.” Office Action at Page 2 (emphasis added). In fact, Maruko teaches a two layer cover where the difference between the color of the inner cover layer in ΔE in Lab color space as compared to the outer cover layer is minor, *i.e.*, up to 3. *See* Abstract; *see also* Col. 2, lines 16-23 and Col. 2, line 66 to Col. 3, line 7. According to Maruko, the result of his invention is a multi-layer golf ball with an improved appearance caused by a strictly limited color difference that makes imperfections in the ball surface not perceivable to the naked eye. Col. 1, lines 60-66. As such, Maruko does not teach a cover layer formed of two different materials, each including a pigment of a different color. Rather, Maruko teaches an inner cover layer and an outer cover layer formed of essentially the same color materials.

And, while Maruko does generally suggest the use of pigments in his cover stock, Maruko is completely silent to the use of the specific pigments now recited in the claims. For example, Maruko does not disclose or even suggest the use of pearlescent pigments, reflective or optically active particulates, fluorescent dyes, and mixtures thereof in either layer of his golf ball. Based on this silence, a skilled artisan would have lacked any motivation to modify the combination of Lammi and Maruko, if even proper, to arrive at the present invention absent the instant application.

CONCLUSION

All claims are believed to be in condition for allowance. If the Examiner believes that the present remarks still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned attorneys to discuss any remaining issues.

A Petition for Extension of Time is submitted herewith to extend the time for response three months to and including November 16, 2008 (minus the extension of time fees already paid with the last Response). In addition, the fee for the Request for Continued Examination is authorized.

No other fees are believed to be due at this time. Should any fee be required, however, please charge such fee to Hanify & King, P.C. Deposit Account No. 50-4545, Order No. 5222-114-US01.

Respectfully submitted,
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